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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,988	03/10/2004	Hideki Takakuwa	Q80345	2197

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EXAMINER	
SCHILLING, RICHARD L	

ART UNIT	PAPER NUMBER
1752	

MAIL DATE	DELIVERY MODE
09/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/795,988	TAKAKUWA, HIDEKI	
	Examiner	Art Unit	
	Richard L. Schilling	1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) *7,8 and 10-21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3-10-04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being fully met by Cottrell et al. Cottrell et al. (col. 4, lines 3-54 ; col. 6, lines 1-16; col. 11, lines 4-32; col. 12, lines 7-22; col. 16, lines 42-52) discloses crosslinkable acrylic polymer compositions with oil soluble dyes and photoinitiators to make color filters. Cottrell et al. teaches adding metal complexes, e.g. Ni complexes of thiocarbamic acids, to improve light and heat fastness of the color filters.

2. Claims 1-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination or Araki'414, Araki'259, Cottrell et al. and Furukawa et al. Araki'414 (paragraphs 20-25, 33, 80, 106-108, 112, 113, 126), Araki'259 (

paragraphs 27-29,93,114,116) and Cottrell et al. disclose photosensitive compositions for making color filters comprising polymer binders, dyes and photoinitiators, Cottrell et al further discloses adding metal complexes as light stabilizers for the color filters. Furukawa et al. (col. 3, lines 5-50 ; col.13, line 62-col.14, line 45 ; col. 5, lines 23-48) teaches adding metal complexes, e.g. dialkyl dithiocarbamates and dialkylphosphites of NI, Cu or Co, to enhance the light resistance of the oil soluble dyes in color filters with polymer resin binders. Since Cottrell et al. and Furukawa et al. teach adding metal complexes to color filters formed from dyes in patterned polymer resin binders, including photocured resin binders as in Cottrell et al. in order to enhance the light and/or heat stability of the dyes, it would be obvious to one skilled in the art to add the metal complexes of Cottrell et al. and Furukawa et al. to the photocurable dye compositions for forming color filters in Araki'414 and '259 to enhance light stability. It would also be obvious to one skilled in the art to use the particular metal thiocarbamate complexes of Furukawa et al. as the called for metal thiocarbamate complexes for increasing light stability in Cottrell et al.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-6 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17of U.S. Patent No. 7169516 in view of Cottrell et al. and Furukawa et al. It would be obvious to one skilled in the art to use the metal complexes of Cottrell et al. and Furukawa et al in the claimed invention of the patent in order to increase light stability of the dyes for the reasons given in paragraph 2 above.

4. Claims 1-6 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of copending Application No. 10/455413 in view of Cottrell et al and Furakawa et al. It would be obvious to one skilled in the art to add the metal complex light stabilizers of Cottrell et al. and Furukawa et al. to the compositions of the claims of the copending application in order to enhance the light stability of the color filter dyes for the reasons given in paragraph 2 above.

This is a provisional obviousness-type double patenting rejection.

5. Koya et al. is cited of interest as disclosing photocurable compositions with dyes for forming color filters where color stabilizers may be added. The prior art submitted by applicants has been considered.

6. The election of claims 1-6 and 9 without traverse is noted.

.Any inquiry concerning this communication should be directed to Richard L. Schilling at telephone number 571-272-1335.

RICHARD L. SCHILLING
PRIMARY EXAMINER
GROUP ~~1750~~ 1752